

Patent

Attorney Docket No.: 404082
U.S. Express Mail Label No.: EL743674905US

REMARKS

Claims 1-13 are pending in the application. Claims 1-7 are currently amended. Claims 8-13 are new claims.

Claims 5 and 6 are objected to for the informality of a semicolon. The amendments to these claims overcome the objection by replacing the semicolon with a period.

Claim 7 is objected to for lack of antecedent in the terms “the height difference” and the front hitch. Claim 7 has been amended to clarify the meaning of these terms, for example, as discussed at page 7, lines 17-32 and as shown in Figs. 1 and 6.

Claim 1 has been amended to distinguish the references by reciting that the first and second side members extend in a concave down manner between respective front and rear ends. The rear ends terminate at a line of downward rear extension. The cross-member touches this line of downward rear extension. By way of example, Fig.2 shows a generally concave down assembly where the respective side members terminate at hitch base 16, which touches these respective lines of downward extension and forms a cross-member connecting the side members. In another example, Fig. 5 shows a cross-member 42 that bridges the side members and is coextensive with the line of downward rear extension.

New claims 8-13 address the embodiment shown in Fig. 5, and particularly the square channel receiver, for example, as discussed on page 6 at line 12 to page 7 at line 16.

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Claim 7 has been amended to recite with more particularity various features described on page 7 at lines 17-32 and as shown in Fig. 6. element c) of claim 7 now recites that the rear attachment is operably configured for

Claims 1-3 and 5 are rejected under 35 U.S.C. §102(b) to Spiese, US Patent No. 3,598,426. The '426 patent shows a trailer hitch assembly (see Fig. 1 thereof) where the cross member rises above the downward rear termination point of the side members. It is done intentionally to permit selective height adjustment using holes 24, 25 and line 20. The amendment of claim 1 to recite that the cross-member touches this line of rear downward extension distinguishes the '426 patent, which shows, for example in Fig. 2, side member 12 having a nib with an unnumbered hole protruding beneath bar 11. Furthermore, claim 3 recites a very different structure for leveling the trailer, e.g., the gooseneck extension means discussed on page 7 at lines 17-32 and shown in Fig. 6. Claim 2 recites means for removably attaching the trailer hitch assembly, for example, as shown in Fig. 5. As the '426 patent shows an externally mounted hitch, it is not concealed or concealable according to the predetermined dimensions now recited in amended claim 5. These distinctions constitute patentable subject matter, as the '426 patent neither teaches nor suggests the distinctions.

Claims 1, 2, 4, and 6 are rejected under 35 U.S.C. §102(e), as being anticipated by Alford, US Patent No. 6,305,702. As can be seen in Fig. 5 of Alford '702, the cross-member 35 is positioned above the rounded line of downward rear extension. For example, two nibs are shown (unnumbered) just above numerals 28 and 16. Furthermore, the channel member 28

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protrudes below the side members (see also fig. 3 thereof) contrary to the recitation of new claim

12, which requires the square channel member not to protrude any lower than does the cross-member.

The protrusion of nibs beneath the cross-members of Spiese '426 and Alford '702 increases the requirement for vertical drop down to the trailer hitch. In the case of Alford, where the hitch assembly is concealed by the fender of a motorcycle, the additional drop of the side members must be compensated by an elongate channel 28 that drops a significant distance so that the ball hitch can protrude outside the fender (see Alford, Fig. 1). The additional drop is relatively extreme, and the length provides additional leverage for torsional forces that are imposed on cross-member 35 thereof when the hitch assembly is used. As presently claimed, the hitch assembly may be lighter and stronger for its weight because the nibs are not required in the intended environment of use. Claim 5 presently recites a concealed hitch assembly.

Applicant's attorney respectfully submits that the amendments overcome the §102 rejections and, having overcome the rejections with the present amendments, solicits a Notice of Allowance with respect to claims 1-6, as well as claims 8-13.

Claim 7 stands rejected under 356 U.S.C. §102(b) as being anticipated by Kauffman, US Patent No. 5,016,897. Element c) of claim 7 now recites that the rear attachment is configured for detachable coupling with the trailer tongue. This distinguishes Kauffman '897 where, for example, pin 49 shown in Fig. 4 is a tilt pin and bolt 47 is a tilt bolt giving rise to the tilting operation shown in Fig. 5 thereof.

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Based upon the foregoing s discussion, we respectfully submit that claims 1-13 are allowable. Applicant's attorney believes that no additional fees are due, but the Commissioner is authorized to charge any additionally required fees to deposit account 12-0600. Applicant's attorney urges the Examiner to telephone if a conversation could expedite prosecution.

Respectfully Submitted,



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